

**HONORABLE CHIEF JUDGE STANLEY A BASTIAN**

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Attorney for Defendants

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WASHINGTON

SHAWN D. CRANFORD

Plaintiff,

v.

SPOKANE COUNTY, et al.

Defendants.

No. 21-CV-00099-SAB

**DEFENDANT'S ANSWER AND  
AFFIRMATIVE DEFENSES**

\*\*\*\*\*

COMES NOW, LAWRENCE H. HASKELL Prosecuting Attorney in and for  
Spokane County, by and through Deputy Prosecuting Attorney Robert B. Binger,  
representing Defendant Spokane County, Spokane County Detention Services, CO Riley,  
CO Thomas, and CO Nejera (hereinafter referred to as "Defendant"), and in response to the  
allegations contained in the Plaintiff's Complaint admits, denies, explains, and alleges as  
follows:

**I. PARTIES AND JURISDICTION**

1.1 Defendant is without knowledge or information sufficient to form a belief as to the truth thereof and on that ground deny the same.

1.2 Defendant admits the same.

1.3 Defendant admits the same except as to John Does 1-10.

1.4 Defendant admits the same except as to John Does 1-10.

1.5 Defendant admits the same.

1.6 Defendant denies the first sentence and admits the remainder.

1.7 Defendant admits the same.

1.8 Defendant is without knowledge or information sufficient to form a belief as to the truth thereof and on that ground deny the same.

1.9 Defendant is without knowledge or information sufficient to form a belief as to the truth thereof and on that ground deny the same.

1.10 Defendant is without knowledge or information sufficient to form a belief as to the truth thereof and on that ground deny the same.

1.11 Defendant is without knowledge or information sufficient to form a belief as to the truth thereof and on that ground deny the same.

1.12 Defendant admits the same.

1.13 Defendant admits that venue in the United States District Court, Eastern District of Washington is proper.

**II. COMPLIANCE WITH RCW 4.96.020 AND 4.92.100**

2.1 Defendant admits the same.

1           2.2     Defendant is without knowledge or information sufficient to form a belief as to  
2 the truth thereof and on that ground deny the same.

3                               **III. FACTUAL ALLEGATIONS**

4           3.1     Defendant is without knowledge or information sufficient to form a belief as to  
5 the truth thereof and on that ground deny the same.

6           3.2     Defendant is without knowledge or information sufficient to form a belief as to  
7 the truth thereof and on that ground deny the same.

8           3.3     Defendant is without knowledge or information sufficient to form a belief as to  
9 the truth thereof and on that ground deny the same.  
10

11          3.4     Defendant admits CO Riley was in the booking area and deny the remainder.

12          3.5     Defendant admits the first sentence and denies the same.

13          3.6     Defendant denies the same.

14          3.7     Defendant admits Plaintiff was seen by a nurse and taken to the hospital by  
15 Thomas and Nejera and denies the remainder.

16          3.8     Defendant denies the same.

17          3.9     Defendant admits Plaintiff was taken back to Spokane County Detention  
18 Services and denies the remainder.

19          3.10    Defendant is without knowledge or information sufficient to form a belief as to  
20 the truth thereof and on that ground denies the same.

21          3.11    Defendant admits receiving correspondence on January 14, 2019 from  
22 Plaintiff's attorney and sending correspondence on the same date to Plaintiff's attorney. Both  
23 correspondences speak for themselves.  
24

1           3.12 Defendant admits receiving correspondence dated January 18, 2019 on January  
2 22, 2019 which correspondence speaks for itself and denies the remainder.

3           3.13 Defendant admits receiving the correspondence dated January 30, 2019 on  
4 February 5, 2019 which correspondence speaks for itself.

5           3.14 Defendant admit correspondence was sent by Donna Sawtelle to plaintiff's  
6 attorney which correspondence speaks for itself.

7           3.15 Defendant denies the same.

8           3.16 Defendant denies the same.

9                           **IV. TOTRIOUS CONDUCT AND PROXIMATE CAUSE**

10           4.1 Defendant realleges each and every previous answers as if fully set forth herein.

11           4.2 Defendant denies the same.

12           4.3 Defendant denies the same.

13           4.4 The allegation calls for a conclusion of law and therefore no answer is required.  
14  
15 To the extent an answer is deemed necessary, the Defendant denies the allegation.

16           4.5 The allegation calls for a conclusion of law and therefore no answer is required.  
17 To the extent an answer is deemed necessary, the Defendant denies the allegation.

18           4.6 The allegation calls for a conclusion of law and therefore no answer is required.  
19 To the extent an answer is deemed necessary, the Defendant denies the allegation.

20           4.7 The allegation calls for a conclusion of law and therefore no answer is required.  
21 To the extent an answer is deemed necessary, the Defendant denies the allegation.

22           4.8 The allegation calls for a conclusion of law and therefore no answer is required.  
23 To the extent an answer is deemed necessary, the Defendant denies the allegation.  
24

1           4.9     The allegation calls for a conclusion of law and therefore no answer is required.  
2 To the extent an answer is deemed necessary, the Defendant denies the allegation.

3                                   **V. CAUSES OF ACTION**

4           Defendant realleges each and every previous answers as if fully set forth herein.

5           5.1     The allegation calls for a conclusion of law and therefore no answer is required.  
6 To the extent an answer is deemed necessary, the Defendant denies the allegation.

7           5.2     The allegation calls for a conclusion of law and therefore no answer is required.  
8 To the extent an answer is deemed necessary, the Defendant denies the allegation.

9           5.3     The allegation calls for a conclusion of law and therefore no answer is required.  
10 To the extent an answer is deemed necessary, the Defendant denies the allegation.

11           5.4     The allegation calls for a conclusion of law and therefore no answer is required.  
12 To the extent an answer is deemed necessary, the Defendant denies the allegation.

13           5.5     The allegation calls for a conclusion of law and therefore no answer is required.  
14 To the extent an answer is deemed necessary, the Defendant denies the allegation.

15                                   **VI. PRAYER FOR RELIEF**

16           The remainder of Plaintiff's allegations are a prayer for relief and therefore no answer  
17 is required. To the extent an answer is deemed necessary, the Defendant denies the allegation.

18                                   **VII. AFFIRMATIVE DEFENSES**

19           Defendant having previously answered Plaintiff's Complaint, set forth the following  
20 by way of Affirmative Defenses:

21           7.1     If Plaintiff was damaged as alleged, all damages are the proximate result of  
22 Plaintiff's own act or omissions;  
23  
24

1           7.2     If Plaintiff suffered any damages, recovery therefor is barred by Plaintiff's  
2 failure to mitigate said damages;

3           7.3     That the injuries and/or damages being claimed were proximately caused by  
4 the fault of a party for whom this Defendant is not responsible;

5           7.4     That some or all of the injuries and damages, if any, claimed by Plaintiff were  
6 proximately caused or contributed to by the fault of Plaintiff;

7           7.5     That some or all of Plaintiff's causes of action are barred by the doctrine of res  
8 judicata, collateral estoppel, judicial estoppel and/or equitable estoppel;

9           7.6     That Plaintiff's claims against the Defendant must be dismissed on the basis  
10 of immunity and/or qualified immunity;

11           7.7     That some or all of Plaintiff's causes of action are barred due to the  
12 impairment of Plaintiff;

13           7.8     Plaintiff's alleged constitutional deprivation was not caused by any  
14 custom or policy;

15           7.9     The Spokane County Detention Services is not a sueable entity.  
16

17           7.10    That Defendant's actions were reasonable at all times hereto and were  
18 undertaken in good faith and without any requisite culpable intent for committing a  
19 violation of any of Plaintiff's clearly established constitutional rights;  
20

21           7.11    The force used towards Plaintiff was applied in a good faith effort to maintain  
22 or restore order, discipline and institution security;  
23  
24

1           7.12 The force used toward Plaintiff was necessary because of Plaintiff's continuing  
2 combative nature and struggling;

3           7.13 Statute of Limitations has expired on Assault and Battery, False or Illegal  
4 Arrest, and Public Records violation; and

5           7.14 Defendant reserves the right to amend their Answer to include such other and  
6 further affirmative defenses that may be more fully developed as this case and discovery  
7 progresses.

8           **WHEREFORE**, Defendant having previously provided his answer to Plaintiff's  
9 factual allegations and having set forth their affirmative defenses, request the following relief:  
10

11           1. That Plaintiff's Complaint be dismissed with prejudice and Plaintiff taking  
12 nothing thereby; and

13           2. For such further and other relief that the Court deems just and equitable in the  
14 premises.

15           DATED this 25<sup>th</sup> day of March, 2021

16                                   LAWRENCE H. HASKELL  
17                                   Prosecuting Attorney

18                                   s/Robert B. Binger  
19                                   Robert B. Binger, WSBA# 10774  
20                                   Attorney for Defendants  
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24                                   Telephone: (509) 477-5764  
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                                      Email: rbinger@spokanecounty.org

**CERTIFICATE OF SERVICE**

I hereby certify that on March 25, 2021, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System, which in turn automatically generated a Notice of Electronic Filing (NEF) to all parties in the case who are registered users of the CM/ECF system. The NEF for the foregoing specifically identifies recipients of electronic notice.

s/Robert B. Binger

Robert B. Binger, WSBA# 10774

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